

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Kaylor et al.)	
)	Examiner: Lyle Alexander
Serial Number:	10/035,013)	
)	Group Art Unit: 1797
Filed:	December 24, 2001)	
)	Customer Number: 22827
Confirmation No:	1072)	
)	Deposit Account: 04-1403
Title:	Reading Device, Method, and)	
	System for Conducting Lateral)	
	Flow Assays)	

RESPONSE TO ORDER RETURNING UNDOCKETED
APPEAL TO EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

	Claims remaining after amendment		Highest number previously paid for		Present Extra		Additional Fee
Total Effective Claims	_____	minus	_____	=	0	X \$ 52	= \$ <u>0.00</u>
Independent Claims	_____	minus	_____	=	0	X \$220	= \$ <u>0.00</u>

- ☐ A Request for Continued Examination is requested in view of the: (\$810) \$ 0.00
- ☐ Previously submitted Amendment / Response dated _____
- ☐ Enclosed Amendment / Reply
- ☐ Enclosed Affidavit(s) / Declaration(s)
- ☐ Enclosed Information Disclosure Statement

Since Official Action set an original due date of N/A,
PETITION is hereby made for an extension to cover the date this

response is filed for which the requisite fee is enclosed (1 month \$130;
2 months \$490; 3 months \$1,110; 4 months \$1,730, 5 months \$2,350 \$ 0.00

If amendment enters proper multiple dependent claim(s) into this application
for first time, add \$390.00 (per application) \$ 0.00

If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$140.00) \$ 0.00

Other: _____ \$ 0.00

SUBTOTAL: \$ 0.00

If "small entity" verified statement filed ☐ previously,
☐ herewith, enter one-half (½) of subtotal and subtract - \$ 0.00

TOTAL FEE ENCLOSED: \$ 0.00

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof. This statement does not authorize charge of the issue fee in this case.

DORITY & MANNING ATTORNEYS AT LAW, P.A.

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By: Jason W. Johnston Reg. No: 45,675

Signature: 

Date: May 26, 2009

I hereby certify that this correspondence and all attachments and any fee(s) are being electronically transmitted via the internet to the U.S. Patent and Trademark Office using the Electronic Patent Filing System on May 26, 2009.

Sandra S. Perkins

(Typed or printed name of person transmitting documents)


(Signature of person transmitting documents)

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In re Application: Kaylor et al.)	Examiner: Lyle Alexander
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Serial No: 10/035,013)	Art Unit: 1797
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Filed: December 24, 2001)	Confirmation No: 1072
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Flow Assays)	Customer No: 22827

U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

Dear Sir:

In response to the Office Action mailed May 15, 2009, please find below the correction to the "Summary of Claimed Subject Matter":

5. SUMMARY OF CLAIMED SUBJECT MATTER

The present claims are directed to a reading device for lateral flow assays, and a system for conducting assays. (See *e.g.*, Appl. p. 4, ll. 2-3). The reading device is configured for detecting an assay result from a membrane strip, in which the result is revealed by the binding of a detectable analyte within a detection zone along the membrane strip. (See *e.g.*, Appl. p. 4, ll. 3-6). The assay reading device comprises a housing and a receiving port within the housing. (See *e.g.*, Appl. p. 4, ll. 6-7). The receiving port may include a light barrier structure, and admits a membrane strip directly from the outside of the housing. (See *e.g.*, Appl. p. 4, ll. 7-9). That is, a membrane strip is inserted into the receiving port. (See *e.g.*, Appl. p. 4, ll. 9-10). The receiving port may be configured for minimizing the introduction of stray or ambient light into the reading device. (See *e.g.*, Appl. p. 4, ll. 10-12).

Independent claim 62, for instance, is directed to a system for conducting a lateral flow assay to detect the presence or quantity of an analyte in a sample. The system comprises (a) a lateral flow membrane strip comprising a detection zone, wherein upon application, the sample is capable of traversing through the membrane strip to the detection zone and (b) a reading device. (See *e.g.*, Appl. p. 8, ll. 3-15 and Fig. 2). The reading device includes the following components:

(1) a "housing" within which is contained an electromagnetic radiation source and a sensor capable of detecting the intensity of electromagnetic radiation. (See *e.g.*, Appl. p. 8, ll. 3-15 and Fig. 2).

(2) a "light barrier structure" positioned adjacent to an exterior surface of the housing. (See *e.g.*, Appl. p. 8, l. 16-p. 9, l. 8 and Fig. 3). The light barrier structure

defines a receiving port between a top plate and bottom plate for insertion with the membrane strip. (See *e.g.*, Appl. p. 8, l. 16-p. 10, l. 21 and Figs. 3, 3a, and 4). Further, the bottom plate of the light barrier structure defines an aperture through which electromagnetic radiation from the source is capable of passing before contacting the lateral flow membrane strip. (See *e.g.*, Appl. p. 8, l. 16-p. 12, l. 3). The aperture approximates the size of the detection zone. (See *e.g.*, Appl. p. 11, l. 4-p. 12, l. 3)

(3) a "light absorbent member" positioned within the receiving port to absorb stray light, the light absorbing member comprising an absorption pad that is located adjacent to the membrane strip upon insertion into the receiving port. (See *e.g.*, Appl. p. 9, l. 9-p. 10, l. 12 and Figs. 3, 3a, and 4). The absorption pad covers an area under which the membrane strip is impacted by electromagnetic radiation. (See *e.g.*, Appl. p. 9, l. 9-p. 10, l. 12 and Figs. 3, 3a, and 4).

In conclusion, it is respectfully submitted that the "Summary of Claimed Subject Matter" has been corrected.

Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

Date

5/26/09

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